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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 WILMA ARMER, *et al.*,

9 Plaintiffs,

10 v.

11 OPENMARKET, INC., *et al.*,

12 Defendants.

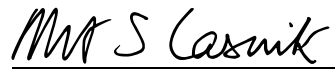
No. C08-1731RSL

ORDER DENYING DEFENDANT  
OPENMARKET'S SECOND MOTION  
TO DISMISS

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14 This matter comes before the Court on a "Motion to Dismiss the Second Amended  
15 Class Action Complaint by Defendant OpenMarket, Inc." Dkt. # 48. This motion was filed  
16 shortly before the Court issued its decision regarding OpenMarket's original challenge to the  
17 adequacy of plaintiffs' complaint. The Court has already found that the allegations of the  
18 Second Amended Complaint satisfy the pleading standard set forth in Bell Atlantic Corp. v.  
19 Twombly, 550 U.S. 544 (2007), and that plaintiffs' unjust enrichment, tortious interference, and  
20 consumer protection act claims may proceed. See Dkt. # 55 at 1. Although OpenMarket has not  
21 affirmatively withdrawn this second motion to dismiss, it did not submit a reply memorandum.  
22 In light of the Court's prior rulings, OpenMarket's second motion to dismiss is hereby DENIED.

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26 ORDER DENYING DEFENDANT OPENMARKET'S  
SECOND MOTION TO DISMISS

1 Dated this 5th day of October, 2009.

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3 Robert S. Lasnik

4 United States District Judge